

Amendments to the Drawings:

The attached three sheets of drawings include changes to FIGS. 1, 2a, 2b and 3a, 3b and 3c. These sheets replace the original sheets containing FIGS. 1, 2a-2b and 3a-3c. In FIG. 1, the arcuate-shaped lines ending in double arrows in the middle of the figure have been designated with reference character R. In FIGS. 2a, 2b, 3b and 3c lifting and lowering device 4 has been better indicated. In FIGS. 2a and 2b, the dashed lines connecting these figures have been disconnected. In FIGS. 2a and 3b, the lines ending in arrows on the vertical portion of the lifting and lowering device 4 have been designated with reference character V. In FIG. 2b, the reference numerals 7 on the bottom of the figures have been given respective lead lines leading to the axes of rotation that they represent. In FIGS. 2b and 3c, the lines ending in double arrows on the moveable ring segments 3<sub>seg</sub> or slabs have been designated with the reference character T.

Attachment: 3 Replacement Sheets

**REMARKS/ARGUMENTS**

The claims are 1, 3, 4 and 6. Claim 1 has been amended to better define the invention and to incorporate features previously recited in claim 2. Accordingly, claim 2 has been canceled. In addition, claims 5 and 7-8 have been canceled, and claims 3 and 4 have been amended to improve their form. Claim 4 has also been amended to depend on claim 3, and claim 6 has been amended to recite a shopping mall having a first sales and presentation area according to claim 1. The drawings have also been amended, and the specification has been amended in view of the changes to the drawings, to provide headings, and to remove reference to the claims. In addition, a new Abstract of the Disclosure has been provided. Reconsideration is expressly requested.

The drawings were objected to on the basis of certain informalities set forth in the Office Action on pages 2-4. In response, Applicant has amended the drawings to correct these informalities and has amended the specification in view of the amendment to the drawings. For example, the specification has been amended to describe what the lines ending in arrows in FIG. 1, 2a, 2b, 3b and 3c show. It is respectfully submitted that these amendments overcome the objections to the drawings, and

Applicant respectfully requests that the objections on this basis be withdrawn.

The Abstract was objected to as failing to comply with U.S. practice, and the specification was objected to as lacking headings and as referring to claims. In response, Applicant has provided a new Abstract and has amended the specification, inter alia, to provide headings and to delete reference to the claims, which it is respectfully submitted overcomes the Examiner's objection on the basis of these formal grounds.

Claim 6 was objected to on formal grounds and Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons set forth on pages 8-12 of the Office Action. In response, Applicant has canceled claims 2, 5 and 7-8 and have amended claims 1, 3, 4 and 6, inter alia, to improve their form. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. 112, second paragraph.

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller U.S. Patent No. 2,764,783* in view of *Beasley U.S. Patent No. 6,148,568*, and *Ray U.S. Patent No. 5,365,704*. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller* in view of *Beasley*, and *Ray*, and further

in view of *Greenspan* U.S. Patent No. 3,742,932. Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller* in view of *Beasley*, and *Ray*, and further in view of *Evans* U.S. Patent No. 4,305,117 or *Heilig* U.S. Patent No. 3,469,837.

Essentially, the Examiner's position was that *Teller* discloses the device and method recited in the claims except for features taught by the secondary references. The Examiner has also indicated that in her view claim 8 was a substantial duplicate of claim 7.

In response, Applicant has canceled claims 7 and 8 thereby obviating the Examiner's double patenting rejection of claim 8 under 37 CFR 1.75 and the references to *Evans* and *Heilig* which were cited with respect to claims 7 and 8. Applicant has also amended claim 1 to refer to a sales presentation area having an outer sales and presentation region and an inner sales and presentation region being arranged in such a way that an essentially annular region is defined between the outer and inner sales and presentation regions and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 1 as amended, Applicant's invention provides a sales and presentation area having an outer sales and

presentation region and an inner sales and presentation region. The regions are arranged in such a way that an essentially annular region is defined between the outer sales and presentation region and the inner sales and presentation region. The annular region is rotatably mounted in the horizontal direction and divided into ring segments. In addition, a lifting and lowering device is provided over which the ring segments slide in the course of the rotational movement of the annular region and on which the ring segments rest during a standstill of the annular region for moving the ring segments in the vertical direction.

As more specifically recited in claim 3 as amended, Applicant's invention provides a sales and presentation area wherein rooms into which the ring segments may be pushed in the radial direction if the lifting and lowering device is correspondingly lowered, are provided below the sales and presentation region.

As more specifically recited in claim 4 as amended, multiple rooms into which the ring segments may be pushed in the radial direction of the lifting and lowering device is correspondingly lowered, are positioned one below another under the sales and presentation region.

As recited in claim 6 as amended, Applicant's invention provides a shopping mall having a first sales and presentation area wherein a second sales and presentation area is located adjacent to the first sales and presentation area whose respective annular regions nearly touch in the region of the respective lifting and lowering device.

In this way, Applicant's invention provides a sales and presentation area and a shopping mall having such area in which a continuously changing appearance of the sales and presentation area is ensured via suitable constructive measures in regard to the freely travelable regions between the individual sales and presentation regions.

The primary reference to *Teller* fails to disclose or suggest a sales and presentation area. Instead, *Teller* refers to institutions hosting persons with impaired locomotion and suggests that after entering the rotatable platform the latter is set in motion by pushing a button just like in common elevators, until a desired position is reached where the rotational movement stops. See, e.g., column 1, lines 30-31, or column 3, lines 3-11 of *Teller*, which refers to a living room and a kitchen.

Furthermore, *Teller* fails to disclose that the essentially

annular region is divided into ring segments, and that a lifting and lowering device is provided over which said ring segments slide in the course of the rotational movement of the annular region and on which the ring segments rest during a standstill of the annular region for moving ring segments in the vertical direction.

The defects and deficiencies of the primary reference to *Teller* are nowhere remedied by the secondary references to *Beasley and Ray*. Like *Teller*, *Beasley* fails to disclose or suggest an essentially annular region divided into ring segments, or a lifting and lowering device over which said ring segments slide in the course of the rotational movement of an annular region and on which the ring segments rest during a standstill of the annular region for moving the ring segments in the vertical direction.

Contrary to the Examiner's position, it is respectfully submitted that FIG. 12 of *Beasley* fails to disclose or suggest a rotatable annular region because "rotatable floor surface 14" revolves around a center of rotation, as can be seen in FIG. 1 of *Beasley*, but not around an inner, stationary area. Even FIG. 17 of *Beasley* fails to disclose or suggest a rotatable annular

region because "outer panel units 22'" are "securely fastened to the inner turntable structure". See column 8, lines 1-6 of *Beasley*. The partition of "floor surface 14" is due to "wall segments 16", see FIG. 1 and column 4, lines 3-6 of *Beasley*, so that "floor surface 14" remains to be an integral structural element which would not allow for an independent vertical movement of single elements of "floor surface 14". Thus, it is respectfully submitted that this partition of *Beasley* does not constitute ring segments as recited in Applicant's claim 1 as amended, i.e., as being vertically movable independent from each other. Therefore, it is respectfully submitted that *Beasley* like *Teller* fails to disclose or suggest a rotatable annular region which is divided into ring segments.

*Ray* is even further afield. Although *Ray* may disclose lifting and lowering devices which raise and lower floor segments, there is no disclosure or suggestion of a sales and presentation area, or a rotatable annular region which is divided into ring segments. In addition, *Ray* fails to disclose or suggest ring segments that slide over the lifting and lowering device in the course of the rotational movement of an annular region and on which the ring segments rest during a standstill of the annular region for moving the ring segments in the vertical

direction.

Thus, even if one of ordinary skill in the art were to make the hypothetical combination of *Teller, Beasley and Ray* as suggested by the Examiner, that person would still not achieve Applicant's sales and presentation area as recited in claim 1 as amended.

With respect to claim 3 as amended, it is respectfully submitted that as the combination of *Teller, Beasley and Ray* fails to disclose a sales and presentation area, according to claim 1, a fortiori, the combination of *Teller, Beasley and Ray* fails to disclose or suggest the sales and presentation area as further defined in Applicant's claim 3 as amended. In addition, because *Beasley* fails to disclose or suggest a rotatable annular region which is divided into ring segments, even the combination of *Teller, Beasley and Ray* would not lead to Applicant's sales and presentation area as recited in claim 3 even if it can be considered that *Ray* discloses that rooms, into which the ring segments may be pushed in the radial direction, if the lifting and lowering device is correspondingly lowered, are provided below the sales and presentation region.

Claim 4 is dependent on claim 3, and therefore the combination of *Teller, Beasley and Ray* fails to disclose or suggest the sales and presentation area recited in claim 4 as amended for the reasons set forth above. Furthermore, because *Beasley* fails to disclose or suggest a rotatable annular region which is divided into ring segments, even the combination of *Teller, Beasley and Ray* cannot lead to the sales and presentation area recited in claim 4 for the reasons stated previously.

Claim 6 as amended recites a shopping mall having a first sales and presentation area according to claim 1. Therefore, it is respectfully submitted that claim 6 is patentable over the combination of *Teller, Beasley and Ray* for the reasons set forth previously with respect to claim 1 as amended.

Moreover, because *Beasley* fails to disclose or suggest a rotatable annular region which is divided into ring segments, even the combination of *Teller, Beasley and Ray*, would not lead to Applicant's shopping mall as recited in claim 6 as amended.

In addition, it is respectfully submitted that *Greenspan* which has been cited with respect to claim 6 would not lead to the shopping mall as recited in claim 6 as amended, as *Greenspan*

fails to disclose or suggest either a sales and presentation area (instead *Greenspan* refers to a medical facility, see, e.g., the abstract of *Greenspan*), or rotatable annular regions. It is respectfully submitted that "examining rooms 11 and 13 "of *Greenspan*" are not rotatable, but, instead, "sliding circular walls 97 and 99" are provided which establish selected access to, e.g., an "opening 103 of the fixed wall". See, e.g., FIG. 7 and column 8, lines 53-63 of *Greenspan*. Referring to FIG. 8, the "examining room 11" is fitted with a "solid slidable circular wall 123". See column 10, lines 8-15 of *Greenspan*. Thus, even the combination of *Teller, Beasley, Ray and Greenspan*, would not lead one skilled in the art to Applicant's shopping mall as recited in claim 6 as amended.

The remaining references to *Evans* and *Heilig* with respect to claims 7 and 8 have been considered but are believed to be no more relevant. None of these references discloses or suggests Applicant's sales and presentation area having the structure recited in claim 1 as amended, or teaches the benefits that are achieved as a result of that structure.

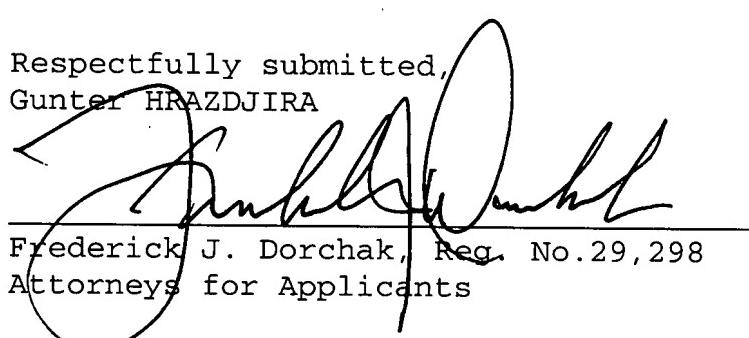
Accordingly, it is respectfully submitted that the claims are patentable over the cited references.



In summary, claims 1, 3, 4 and 6 have been amended, and claims 2, 5 and 7-8 have been canceled. The specification, Abstract and drawings have also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Applicant also submits herewith a Supplemental Information Disclosure Statement.

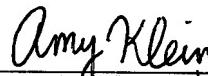
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Enclosures: Appendix - 3 replacement sheets of drawings  
Abstract of the Disclosure  
Copy of Petition - 1 month extension of time  
Supplemental Information Disclosure Statement

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 31, 2007.



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# APPENDIX